

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)
)
Plaintiffs,)
) Case No. 4:09-cv-00686-ERW
vs.)
)
E.I. DU PONT DE NEMOURS AND)
COMPANY and)
PIONEER HI-BRED INTERNATIONAL,)
INC.,)
)
Defendants.)

**MOTION FOR LEAVE TO FILE UN-REDACTED
REQUEST FOR REDACTION OF TRANSCRIPT UNDER SEAL**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully move the Court for an order allowing Monsanto to file a complete, unredacted copy of Monsanto’s Reply in Support of Its First Motion to Compel, and Exhibits 1 and 2 thereto, under seal. As grounds for this relief, Monsanto states:

1. This action is for patent infringement, breach of contract, unjust enrichment, and injunctive relief against Defendants E.I. du Pont de Nemours and Company (“DuPont”) and Pioneer Hi-Bred International, Inc. (“Pioneer”) involving United States Patent No. U.S. RE 39,247E (the “247 Patent”) and Monsanto’s grant of licenses to Monsanto’s patented and proprietary soybean technology and corn technology pursuant to two licenses between Monsanto and Pioneer entered into on April 1, 2002: (1) an Amended and Restated Roundup Ready Soybean License Agreement (Exhibit B to the Complaint) and (2) a Roundup Ready Corn License Agreement (Exhibit C to the Complaint) (hereafter referred to collectively as the

“License Agreements”). The specific terms of the License Agreements are subject to confidentiality provisions contained within the underlying licenses. See Exs. B & C to Complaint.

2. This Court has previously allowed the parties to file various un-redacted pleadings and confidential documents under seal. See e.g., Docket Text Orders entered May 20, 2009 and June 17, 2009. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

3. Monsanto is requesting that certain portions of the transcript of the hearing held on October 12, 2010 be redacted from the public version of the transcript, and that the entire unredacted transcript [Dckt # 338] remain under seal. Because in many instances, Monsanto has requested less than full lines of the transcript to remain under seal, Monsanto’s request for redaction contains verbiage quoted directly from the transcript with the portions to be redacted indicated by the annotation “[Redaction]” inserted within the transcript text where each reaction is requested. In that the October 12 transcript has not yet been made part of the public record, Monsanto requests leave to file a un-redacted copy of its redaction request containing words quoted from the text of the transcript under seal. Monsanto will also file a redacted version of its redaction request as part of the public record.

WHEREFORE, Monsanto respectfully requests the Court enter an order allowing Monsanto to file a complete, un-redacted copy of Monsanto’s Request to Redact Portions of the October 12, 2010 Transcript, under seal.

Dated: November 10, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of November, 2010, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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